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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 31st August, 1970:—

BILL No. XXIX OF 1970

A Bill further to amend the Aligarh Muslim University Act, 1920.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Aligarh Muslim University (Amendment) Act, 1970.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

40 of 1920.

Substitution of new section for section 23.

2. For section 23 of the Aligarh Muslim University Act, 1920 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

The Court.

"23. (*1*) The Court shall consist of the Chancellor, the Vice-Chancellor and such other persons as may be specified in the Statutes.

(*2*) The Court shall be the supreme authority of the University and shall have power to review the acts of the Executive Council and the Academic Council (save where any such Council has acted

in accordance with the powers conferred on it by this Act, the Statutes or the Ordinances):

Provided that the power of review under this sub-section shall not be exercised except by a majority of the total membership of the Court and by a majority of not less than two-thirds of the members of the Court present and voting.

(3) The Court shall also have power to review, from time to time, broad policies and programmes of the University and to suggest measures for the improvement of the University and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.

(4) Without prejudice to the provisions of sub-sections (2) and (3), the Court shall consider the annual report, the annual accounts and the auditor's report, if any, thereon and the budget of the University for the next financial year and communicate its views to the Executive Council.".

Substitution of new section for section 24.

3. For section 24 of the principal Act, the following section shall be substituted, namely:—

The Executive Council.

"24. (1) The Executive Council shall, subject to such control as the Court may exercise under section 23, be the executive body of the University and shall have charge of the management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of this Act, the Executive Council shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes or the Ordinances.".

Amendment of section 28.

4. In section 28 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) The Court may, from time to time, make new or additional Statutes or amend or repeal the Statutes in the manner provided in this section.

(3) The Executive Council may propose to the Court the draft of any Statute and such draft shall be considered by the Court at its next meeting:

Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Court.

(4) The Court may approve any such draft as is referred to in sub-section (3) and pass the Statute or reject it or return it to the Executive Council for reconsideration, either in whole or in part, together with any amendments which the Court may suggest.

(5) Any member of the Court may propose to the Court the draft of any Statute, and the Court may reject the proposal or refer such draft for consideration to the Executive Council which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve.

(6) Every new Statute or addition to the Statutes or any amendment or repeal or a Statute shall require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration.".

Amendment of section 29.

5. In section 29 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting; and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members present and voting, to cancel any Ordinance made by the Executive Council, and any such Ordinance shall, from the date of such resolution, cease to have effect.".

Amendment of section 31.

6. In section 31 of the principal Act, to sub-section (3), the following proviso shall be added, namely:—

"Provided that any authority of the University which is dissatisfied with any such direction may, within two months of the date of such direction, appeal to the Court, whose decision thereon shall be final.".

Substitution of new section for section 34.

7. For section 34 of the principal Act, the following section shall be substituted, namely:—

Annual report.

"34. The annual report of the University shall be prepared under the direction of the Executive Council and be submitted to the Court on or before such date as may be prescribed by the Statutes and shall be considered by the Court at its annual meeting and the Court may pass resolutions thereon and communicate the same to the Executive Council which shall take such action thereon as it thinks fit.".

Amendment of section 35.

8. In section 35 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The annual accounts and the financial estimates shall be considered by the Court at its annual meeting, and the Court may pass resolutions thereon and communicate the same to the Executive Council which shall take such action thereon as it thinks fit.".

Amendment of section 38.

9. In section 38 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Subject to the provisions of sub-section (3) of section 18, casual vacancies in any office or in any authority shall be filled up by the authority which has power to appoint to the office or authority:

Provided that where the Court is the appointing authority, the casual vacancy shall be filled by the Executive Council, and the

person so appointed shall hold office until the next meeting of the Court.".

Amendment of Statutes.

10. In the Statutes,—

(*i*) for Statute 8, the following Statute shall be substituted, namely:—

The Court.

"8. (*1*) The Court shall consist of the following members, namely:—

A.—*Ex-officio* Members:

(*i*) The Chancellor,

(*ii*) The Vice-Chancellor,

(*iii*) The Pro-Vice-Chancellor,

(*iv*) The Librarian,

(*v*) The Dean of Students' Welfare,

(*vi*) The Proctor,

(*vii*) One Provost by rotation according to seniority,

(*viii*) The remaining members of the Executive Council who are not otherwise members of the Court;

B.—Representatives of Departments and Colleges:

(*ix*) All Deans of Faculties,

(*x*) Heads of Teaching Departments who are not Deans (by rotation according to seniority) in such number as is indicated against each of the Faculties specified below:

Faculty of Arts		4
Faculty of Social Sciences		4
Faculty of Engineering and Technology		2
Faculty of Medicine		5
Faculty of Science		4;

C.—Representatives of Professors and Principals:

(*xi*) Two Professors other than Deans or Heads of Departments, by rotation according to seniority,

(*xii*) Principals of Colleges;

D.—Representatives of Teachers other than Professors:

(*xiii*) Three Readers, by rotation according to seniority,

(*xiv*) Four Lecturers, by rotation according to seniority;

E.—Representatives of ex-students:

(*xv*) Fifteen representatives to be elected by the Alumni (Old Boys) Association;

F.—Representatives of donors registered by the University:

(*xvi*) Ten representatives of persons who have made a donation of Rs. 1,000 or above, to be elected from among

themselves through the system of proportional representation by means of the single transferable vote:

Provided that the seats shall first be filled by life donors or by others to whom the University is otherwise committed. Only the remaining seats shall be filled by election;

G.—Representatives of Parliament:

(*xvii*) Six representatives of Parliament, four to be elected by the House of the People in such manner as the Speaker may direct and two to be elected by the Council of States in such manner as the Chairman may direct;

H.—Persons representing learned professions, Industry, Commerce and Agriculture;

(*xviii*) Five persons representing learned professions, to be elected by the Court by means of the single transferable vote;

(*xix*) Five persons representing Industry, Commerce and Agriculture, to be elected by the Court by means of the single transferable vote;

I.—Representatives of Muslim Culture and learning;

(*xx*) Five persons representing Muslim Culture and learning, to be elected by the Court;

J.—Representatives of the All India Muslim Educational Conference:

(*xxi*) Three representatives of the All India Muslim Educational Conference;

K.—Other nominated Members:

(*xxii*) Not more than five persons, to be nominated by the Visitor,

(*xxiii*) One person, to be nominated by the Governor of Uttar Pradesh,

(*xxiv*) One person, to be nominated by the Chancellor:

Provided that in making nominations under items (*xxii*) and (*xxiv*) due regard shall be had to the representation of the different interests, professions, cultures and learning and also of the different regions of the country:

Provided further that no employee of the University or of a college admitted to the privileges of the University shall be eligible to be a member of the Court under items (*xviii*) to (*xxiv*), both inclusive.

(*2*) All members of the Court, other than the *ex-officio* members, shall hold office for a term of three years from the date of their appointment, nomination or election, as the case may be.";

(*ii*) after Statute 8, as so substituted, the following Statute shall be inserted, namely:—

"9. (*1*) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date

Meetings of Court.

has been fixed by the Court in respect of any year. At such annual meeting, a report of the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet, as audited, and the financial estimates shall be presented and any vacancies among the officers of the University or among the members of the Court or the Executive Council which ought to be filled up by the Court shall be so filled up.

(*2*) A copy of the statement of the receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (*1*) shall be sent to every member of the Court at least seven days before the date of the annual meeting, and shall be open to inspection to all the members of the Court and the Academic Council at the office of the University during the year following such annual meeting, at such reasonable hours and under such conditions as the Executive Council may determine.

(*3*) A special meeting of the Court may be convened by the Executive Council or the Vice-Chancellor, or, if there is no Vice-Chancellor, by the Pro-Vice-Chancellor or, if there is no Pro-Vice-Chancellor, by the Registrar:

Provided that a special meeting of the Court shall also be called if one-third of the members of the Court make a requisition in writing in this behalf.

(*4*) Thirty-three members of the Court shall be a quorum for a meeting of the Court.";

(*iii*) in Statute 14, in clause (*1*),—

(*a*) for the words "Executive Council", the word "Court" shall be substituted;

(*b*) in sub-clause (*a*), after the words "Academic Council", the words "through the Executive Council" shall be inserted;

(*c*) in sub-clause (*b*), before the word "withdraw", the words "on the recommendation of the Executive Council," shall be inserted;

(*iv*) for Statute 15, the following Statute shall be substituted, namely:—

"15. (*1*) The Executive Council shall consist of the following members, namely:—

(*i*) The Vice-Chancellor;

(*ii*) The Pro-Vice-Chancellor;

(*iii*) The Dean of Students' Welfare;

(*iv*) Five Deans as follows:

(*a*) Dean, Faculty of Arts,

(*b*) Dean, Faculty of Social Sciences,

(*c*) Dean, Faculty of Science,

(*d*) One Dean, by rotation from among the Deans of the Faculties of Medicine and Engineering,

(*e*) One Dean, by rotation from among the Deans of the Faculties of Law, Commerce and Theology;

(*v*) One Professor other than a Dean or Principal, by rotation according to seniority;

(*vi*) Five persons, none of whom shall be an employee of the University, elected by the Court from amongst its members, through the system of proportional representation by means of the single transferable vote;

(*vii*) Three persons nominated by the Visitor;

(*viii*) One person nominated by the Chancellor:

Provided that no employee of the University or of a college admitted to the privileges of the University shall be eligible to be a member of the Executive Council under items (*vii*) and (*viii*), both inclusive.

(*2*) Members of the Executive Council referred to in sub-items (*d*) and (*e*) of item (*iv*) and in item (*v*) of clause (*1*) shall hold office for a term of two years and those referred to in items (*vi*) to (*viii*) of clause (*1*) shall hold office for a term of three years from the date of their appointment, nomination or election, as the case may be.

(*3*) Seven members of the Executive Council shall be a quorum for a meeting of the Executive Council";

(*v*) in Statute 16, in clause (*1*), for the word "Visitor", the word "Court" shall be substituted;

(*vi*) in Statute 18,—

(*a*) in item (*i*), before the words "the Executive Council", the words "the Court or" shall be inserted;

(*b*) in item (*x*), for the words "Executive Council", the word "Court" shall be substituted;

(*vii*) after Statute 27, the following Statute shall be inserted, namely:—

"28. (*1*) No member of the Alumni (Old Boys) Association shall be entitled to vote or stand for the election by the Court, unless— Alumni not to vote or stand for election to Court under certain conditions.

(*i*) he has been a member of the Association for at least five years continuously prior to the date of election;

(*ii*) he pays such subscription and satisfies such other conditions, as may be prescribed by the Ordinances;

(*iii*) (*a*) he is a graduate of the University, or

(*b*) he is an ex-student of the Muhammadan Anglo-Oriental College or the Muhammadan Anglo-Oriental Collegiate School, Aligarh, or

(*c*) he has been, if he is a non-graduate ex-student of the University, a member of the Association for a continuous period of ten years.

(*2*) Not less than eight of the persons elected from among the persons specified in clause (*1*) shall be graduates.

Explanation.—In this clause, the word "graduate" shall include a graduate of the Muhammadan Anglo-Oriental College, Aligarh.'.

Transitional provisions.

11. (*1*) Every authority of the University shall, as soon as may be after the commencement of this Act, be constituted in accordance with the provisions of the principal Act and of the Statutes as amended by this Act and until any such authority is so constituted, the authority functioning immediately before such commencement shall continue to exercise all the powers and perform all the duties under the principal Act and the Statutes as so amended.

(*2*) Every member of the Court or the Executive Council holding office as such immediately before the appointed day, shall, on and from such day cease to hold such office.

(*3*) On and from the appointed day, the Court and the Executive Council of the University shall be deemed to be duly constituted under the principal Act and the Statutes as amended by this Act notwithstanding the existence of any vacancy in the membership of the Court or the Executive Council, as the case may be, and no act or proceeding of the Court or the Executive Council shall be deemed to be invalid merely by reason of the existence of any such vacancy.

Explanation.—In this section "appointed day" means such day as the Central Government may, by notification in the Official Gazette, appoint.

STATEMENT OF OBJECTS AND REASONS

As a result of the disturbances that took place in the Aligarh Muslim University in April, 1965, the President promulgated the Aligarh Muslim University (Amendment) Ordinance, 1965 on the 20th May, 1965, to amend the Aligarh Muslim University Act, 1920. The Ordinance was later replaced by the Aligarh Muslim University (Amendment) Act, 1965. Both the Ordinance and the amending Act were temporary measures to tide over the difficult situation which was prevalent in the University at that time and the intention was to bring before Parliament, in due course, a comprehensive long-term legislation for the University.

2. On account of certain developments, it has not been possible to introduce, so far, the said long-term legislation. Decisions on that part of the recommendations of the Banaras Hindu University Inquiry Committee which concern all the Central Universities, have yet to be finalised. The report of the Committee on Governance of Universities appointed by the University Grants Commission which will have a bearing on long-term legislation for Central Universities, is expected to be received shortly. In view of this, it is proposed that long-term legislation in respect of the Aligarh Muslim University may be undertaken after the recommendations of the two Committees referred to above have been examined and decisions taken thereon.

3. The Golden Jubilee Celebrations of the Aligarh Muslim University are due to take place in December this year and the University is anxious to have a democratic set up before that time. The Government therefore propose to amend certain provisions of the Act with a view to providing for a democratic set up of the Court and the Executive Council. The Bill seeks to achieve this purpose.

NEW DELHI; V. K. R. V. RAO.

The 27th August, 1970.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill proposes to substitute sub-section (*2*) of section 28 of the principal Act by which the Court of the Aligarh Muslim University is being empowered to make new or additional Statutes or to amend or repeal the Statutes. The matters in respect of which the Statutes may be made relate to the internal administration of the affairs of the University, conduct of meetings of the Court and other authorities, determining the conditions of service of the teachers of the University and other procedural matters.

2. The matters in respect of which Statutes may be made are matters of detail or of procedure within the scope of the general provisions and guiding principles in the Act and it is not possible to provide for them in the Act. The delegation of legislative power is, therefore, of a normal character.

II

BILL No. XXVIII OF 1970

A Bill further to amend the Air Corporations Act, 1953.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Air Corporations (Amendment) Act, 1970.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

27 of 1953.

Amendment of section 4.

2. In the Air Corporations Act, 1953 (hereinafter referred to as the principal Act), in section 4,—

(*i*) for sub-section (*1*), the following sub-sections shall be substituted, namely:—

"(*1*) The general superintendence, direction and management of the affairs and business of each of the Corporations shall vest in a Board of directors which may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation under this Act.

(*1A*) The Board of directors shall consist of a Chairman to be appointed by the Central Government, and not less than eight and not more than fourteen other directors to be appointed by the Central Government after consultation with the Chairman, and the Chairman or any other director may be required to render whole-time or part-time service as the Central Government may direct:

Provided that—

(*a*) the same person may be appointed to be the Chairman of both the Corporations or Chairman of one and director of the other;

(*b*) the same persons may be appointed to be directors of both the Corporations.";

(*ii*) in sub-sections (*2*), (*3*) and (*4*), for the word "member" wherever it occurs, the word "director" shall be substituted:

(*iii*) in sub-section (*5*), for the words "General Manager", the words "managing director" and for the word "member", the word "director" shall be substituted.

Amendment of section 5.

3. In section 5 of the principal Act,—

(*i*) in sub-section (*1*), for the word "members", the word "directors" and in the proviso thereto, for the word "member", the word "director" shall be substituted;

(*ii*) in sub-section (*2*),—

(*a*) for the word "member", in both the places where it occurs, the word "director" shall be substituted;

(*b*) for the words "such remuneration by way of allowances", the words "such remuneration by way of salary, allowances" shall be substituted.

Amendment of section 7.

4. In section 7 of the principal Act, in sub-section (*2*), in clause (*k*), for the words "including provision of catering, rest-rooms", the words "including provision of catering, hotels, restaurants, rest-rooms" shall be substituted; and after that clause, as so amended, the following clauses shall be inserted, namely:—

"(*kk*) to make such grants as it thinks fit as contribution or donation to any fund established for a benevolent or charitable purpose:

Provided that nothing in this clause shall be construed as empowering the Corporation to make any such grant to any political party or for any political purpose to any individual or body;

(*kkk*) to form one or more companies under the Companies Act, 1956 or under any other law relating to companies to further the efficient performance of its duties and the exercise of its powers under this Act;". 1 of 1956.

Amendment of section 8.

5. In section 8 of the principal Act, for the words "General Manager", wherever they occur, the words "managing director" shall be substituted.

Amendment of section 12.

6. In section 12 of the principal Act, in sub-section (2), for the words "current account", the word "account" shall be substituted.

Amendment of section 35.

7. In section 35 of the principal Act,—

(i) in clause (a), for the words "fifteen lakhs", the words "forty lakhs" shall be substituted;

(ii) for clause (b), the following clause shall be substituted, namely:—

"(b) enter into a lease of any immovable property for a period exceeding ten years or where the rent of such property exceeds ten thousand rupees per month; or".

Amendment of section 40.

8. In section 40 of the principal Act, in sub-section (1), for the word "members", the word "directors" shall be substituted.

Amendment of section 41.

9. In section 41 of the principal Act,—

(a) sub-section (1) shall be omitted; and

(b) the brackets and figure "(2)" shall be omitted.

Amendment of section 42.

10. In section 42 of the principal Act,—

(i) in sub-section (2), for the word "members", the word "directors" shall be substituted;

(ii) in sub-section (3), for the word "members", the word "directors" and for the word "member", the word "director" shall be substituted.

Amendment of section 44.

11. In section 44 of the principal Act, in sub-section (2),—

(i) in clause (a), for the words "General Managers", the words "managing directors" shall be substituted;

(ii) in clause (f), the word "depreciation," shall be omitted.

Amendment of section 45.

12. In section 45 of the principal Act,—

(i) in sub-section (1), for the words "Each of the Corporations may, with the previous approval of the Central Government", the words, brackets and figure "Subject to the provisions of sub-section (3), each of the Corporations may" shall be substituted;

(ii) in sub-section (2), in clause (b), for the words "General Manager", the words "managing director" shall be substituted and after that sub-section, as so amended, the following sub-section shall be inserted, namely:—

"(3) No regulation under clause (b) of sub-section (2) shall be made except with the previous approval of the Central Government.".

STATEMENT OF OBJECTS AND REASONS

Under sub-section (*1*) of section 4 of the Air Corporations Act, 1953 (27 of 1953), each of the Corporations established under that Act shall consist of not less than five but not more than nine members appointed by the Central Government. In the light of the experience gained, it is considered necessary to increase the maximum number of members from nine to fifteen and the minimum from five to nine and to vest the general superintendence, direction and management of the affairs and business of each of the Corporations in a Board of Directors. In accordance with the recent decisions of the Government, on the recommendations of the Administrative Reforms Commission, it is also considered necessary to appoint functional directors on the Boards of the Corporations and to appoint the directors in consultation with the Chairman.

2. In furtherance of their activities in running international air-transport services, Air-India have found it necessary to establish and manage hotels and restaurants. Section 7(2) (*k*) of the Act, as at present worded, does not permit this. To achieve this objective, it is proposed to amend the section suitably enabling the Corporations to establish and manage hotels and restaurants also. It is also proposed to enable the Corporations to form companies under the Companies Act, 1956 or under any other law relating to companies, to further the efficient performance of their duties and the exercise of their powers under the Act.

3. In the light of the recommendations of the Administrative Reforms Commission and of the Committee on Public Undertakings, it is proposed to empower the Corporations to incur capital expenditure without the previous approval of the Government up to rupees forty lakhs instead of rupees fifteen lakhs as at present. It is also proposed to increase the period for which each Corporation can enter into a lease of immovable property without the previous approval of the Central Government from five to ten years.

4. Sub-section (*1*) of section 41 of the Act empowers the Central Government in consultation with the Corporation concerned to appoint an Advisory Committee for the purpose of advising the Corporation in respect of such matters as may be referred to it by the Corporation or as may be prescribed. As experience has shown that the Advisory Committees set up under this provision serve no useful purpose, it is proposed to omit this provision.

5. Section 45 of the Act empowers each of the Corporations, with the prior approval of the Central Government, to make regulations with respect to the matters specified in that section. It is proposed to amend the section to do away with the need for prior approval of the Central Government

for the making of regulations, other than those relating to the terms and conditions of service of the employees of the Corporations.

6. The Bill is mainly intended to achieve the above objects. Opportunity has also been taken to make certain other amendments in the Act, which are either minor or consequential in nature.

KARAN SINGH.

NEW DELHI;
The 14th August, 1970.

B. N. BANERJEE,
Secretary.

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